

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-02/09-72
)
 Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, denying her eligibility for Food Stamps. The issues are whether the resource limits for the Food Stamp program apply in petitioner's case and if so, whether petitioner is over the resource limit. The material facts are not in dispute.

FINDINGS OF FACT

1. The petitioner is a disabled individual. Petitioner receives \$1,617 per month in Social Security Disability Benefits in addition to interest income of approximately \$50 per month totaling \$1,667 per month. Petitioner receives Medicaid as a working person with disabilities. Petitioner received the Vermont Earned Income Tax Credit (EITC).

2. Petitioner applied for Food Stamps as a one-person household after learning that Vermont was liberalizing the eligibility criteria for the Food Stamp program. Petitioner

reviewed the materials on the State website and felt she was eligible.

3. Petitioner submitted an application on January 9, 2009 and listed resources of \$12,527.70 consisting of savings account, checking accounts, bonds, and certificates of deposit.

4. The Department sent petitioner a Notice of Decision on January 14, 2009 denying her Food Stamps because petitioner's resources exceeded the \$3,000 resource limit for a disabled individual.

5. Petitioner filed for a fair hearing on or about February 2, 2009. A hearing was held on February 12, 2009.

6. B.P., supervisor, testified on behalf of the Department and explained that resources are counted when a household with a disabled member has income in excess of 185 percent of the Federal Poverty Limit (FPL). Petitioner's monthly household income of \$1,667 is above the FPL of \$1,604 for a household of one. In terms of the Vermont EITC, B.P. explained that to be categorically eligible based on the Vermont EITC, the household must contain minor children.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp Program was created to combat hunger and malnutrition among low income households. Food Stamp Manual § 271.1. The State of Vermont took advantage of changes to the federal rules to liberalize eligibility for Food Stamps starting January 1, 2009. PP&D dated January 1, 2009 facing Food Stamp Regulation 273.2(j)(1)(iv)P3.

The gross income test for Food Stamp eligibility was raised to 185 percent of the Federal Poverty Level (FPL). Households whose income met this test no longer had to meet the resource limits. In addition, households that contained an elderly or disabled member can qualify for Food Stamps even though their gross income is greater than 185 percent of the FPL provided their resources do not exceed the \$3,000 cap.

Petitioner's gross income is \$1,667 per month; this amount exceeds the gross monthly income maximum of \$1,604 for a household of one. To qualify for the Food Stamp program, petitioner needs to meet the resource test.

Petitioner questioned whether the resource test applied to her because her understanding is that recipients of the Vermont EITC are exempt from the resource test.¹ However, this exemption only applies to households who receive public assistance or households with children. Food Stamp regulation 273.2(j)(2)(i) states:

As a general rule, any household (except those listed in paragraph (j)(2)(iii) of this section) will be considered categorically eligible for food stamps because of its status as a PA-recipient household, a household with children receiving the Vermont earned income tax credit (EITC), or a household in which a parent is participating in the Postsecondary Education Group (2400-2418).

The Department has followed the applicable regulations in determining that petitioner exceeds the resource limits for Food Stamps. Accordingly, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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¹ There was concern by both petitioner and the Department benefits eligibility specialist that the information on the website may be misleading by not providing the details of how different rules are applied to different types of households.